**ZONING BOARD OF APPEALS OF THE TOWN OF ORCHARD PARK**, Erie County, New York, minutes of the January 21, 2019 meeting held in the Municipal Center Basement Meeting Room, S4295 South Buffalo Street.

MEMBERS PRESENT: Robert Metz, Acting Chairman

 Kim Bowers,

Dwight Mateer

Barbara Bernard, Alternate

EXCUSED Robert Lennartz

 Lauren Kaczor

OTHERS PRESENT: Timothy Gallagher, Deputy Town Attorney

 David Holland, Code Enforcement Officer

 Rosemary Messina, Recording Secretary

The members recited the Pledge of Allegiance and the Chair called the meeting to order at 7:00 P.M., stating that if anyone appearing before the Board was related through family, financial or a business relationship with any member of the Board, it is incumbent upon him to make it known under State Law and the Town Code of Ethics.

The Alternate member, Mrs. Bernard, is a voting member this evening, due to the absence of Mr. Lennartz and Ms. Kaczor.

The Acting Chair stated that all persons making an appeal before this Board would be heard in accordance with the Town Laws of the State of New York, Article 16, Sections 267, 279 and 280a, Subdivision 3, and the Town of Orchard Park Zoning Ordinance. Any person aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal, specifying the grounds of the illegality. Such petition must be presented to the court within 30-days after filing of the decision in the office of the Town Clerk.

At tonight’s meeting we do not have full Board representation. In these circumstances it will require (3) votes to approve any motion that is presented. If a vote results in a two/two tie, the motion will be defeated. As a result we offer petitioners the following three options:

1. We can vote on the petition and the petitioner must accept the Board’s decision.

2. We can hear the case and postpone the vote until the next meeting of the Board when a full Board is present. The absent member of the Board will review the testimony and all appropriate documents prior to the meeting.

3. The petitioner can postpone making his presentation until the next meeting of this body.

 **APPROVAL OF MINUTES:** Ms. Bowers made a **MOTION**, seconded by Ms. Bernard to **APPROVE** the December 17, 2019 meeting minutes.

The meeting minutes for December 17, 2019 were **UNANIMOUSLY APPROVED.**

The Acting Chairman stated that Site Inspections of all cases presented tonight were made by:

**BOWERS, AYE/BERNARD, AYE/ MATEER, AYE/METZ AYE**

**NEW BUSINESS**

**\*\*\*\*\* ITEM REMOVED BY APPLICANT – WILL BE ON FEBRUARY 18TH AGENDA 2020**

1. ZBA File #02-20, Benderson Development, 3340-3356 Southwestern Boulevard, Zoned B-1 (Part of Farm Lot 18, Township 10, Range 7; SBL#152.16-6-1.2). Requests an Area Variance to allow parking spaces within 50-feet of the street line. Parking is prohibited in the front yard within 50-feet of the street line, § 144-29 A (4).

2. ZBA File #03-20, Roger & Susan Corbran, 50 Hodson Road, Zoned R-2 (Part of Farm Lot 15, Township 10, Range 7; SBL#162.05-3-20). Requests an Area Variance to allow a shed to remain within 10-feet of the dwelling. No accessory structure shall be located closer than 10-feet to any primary structure, § 144-24 A (1) (c).

The Applicants chose to be heard this evening.

APPEARANCE: Mr. & Mrs. Roger Corbran, Applicants/Property Owners

Ms. Corbran explained that they had placed a storage shed behind their garage to be less obtrusive to them and their neighbors’ view. They would like to have the shed remain here to store personal items, a lawn mower and garden tools.

Mr. Mateer established that the shed was built by the Amish on site, and that it was placed on cinder blocks with a platform.

Mrs. Bowers established that the shed was placed here sometime in November 2019.

Acting Chairman Metz established that the shed is attached (bolted) to the garage.

The Applicants submitted a letter of support from their neighbor at 54 Hodson Road. This was entered into the permanent file by the Secretary.

Mr. Corbran told the members that they did speak to their neighbors, and there were no objections voiced.

The Chair then asked if there was anyone in the audience who would wish to speak in favor of granting the variance.

(Twice) NO RESPONSE

The chair then asked if there was anyone in the audience who would wish to speak against the granting of the variance.

(Twice) NO RESPONSE

The Chair then asked if the Secretary had received any communications either for, or against, granting the Variance. The Secretary stated no other communications were received.

Board Discussion: Ms. Bowers noted that you could barely even see the shed was there.

Mr. Mateer made a **MOTION**, seconded by Ms. Bowers, to **GRANT** the Area Variance request based on the following:

1. There will be no undesirable change in the character of the neighborhood, or a detriment to nearby properties.

2. The benefit sought cannot be achieved in another way, other than the granting of the Variance.

3. The request is not substantial.

4. There will be no adverse effect or impact on the physical or environmental conditions of the neighborhood or district.

5. The difficulty is self-created, but that does not preclude the granting of the Variance.

THE VOTE ON THE MOTION BEING:

BOWERS AYE

BERNARD AYE

MATEER AYE

METZ AYE

THE **MOTION BEING (4) FOUR IN FAVOR**, THE **MOTION TO GRANT** THE REQUEST IS **UNANIMOUSLY PASSED**.

There being no further business to be presented to the Board at this time the Acting Chair adjourned the meeting at 7:13 P.M.

DATED: 2/14/2020

REVIEWED: 2/18/2020 Zoning Board of Appeals Rosemary Messina, Secretary

Mr. Robert Metz, Acting Chairman

Zoning Board of Appeals